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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,807	12/11/2003	Paul R. McHugh	291958241US	8859
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PERKINS COIE LLP			ZHENG, LOIS L	
P.O. BOX 1247				
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SEATTLE, WA 98111-1247			1742	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/733,807

Applicant(s)

MCHUGH ET AL.

Examiner

Lois Zheng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/8/06, 8/7/06, 10/27/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Invention Group I, claims 1-31, in the reply filed on 27 October 2006 is acknowledged.
2. Non-elected claims 32-40 are canceled in view of applicant's reply filed 27 October 2006. Therefore, claims 1-31 are currently under examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7-12, 14-15, 16-17, 19, 21-24 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberlitner et al. WO 01/50505 A2(Oberlitner) in view of Mok et al. US 4,868,575(Mok).

Oberlitner teaches a microelectronic workpiece processing tool comprising the claimed frame, mounting module carrying plurality of workpiece supports, a plurality of wet chemical processing chambers and a track system supporting a transport system(Figs. 1-2, 5-6, pages 13-14) arranged in the claimed fashion. Oberlitner further teaches that each of its wet chemical processing chambers comprises a paddle device position approximate to the process location wherein the paddle device moves linearly with respect to the workpiece carried by the workpiece support(pages 17, 23-31, Figs. 12-20).

However, Oberlitner does not explicitly teach that the mounting module having a plurality of positioning elements and attachment elements, the wet chemical processing chamber having a first interface member engaged with one of the positioning elements and a first fastener engaged with one of the attachment elements, the transport system having a second interface member engaged with one of the positioning elements and a second fastener engaged with one of the attachment elements as claimed.

Mok teaches an alignment and assembly mechanism for precisely alignment of two block materials and for securely holding them together. The alignment mechanism comprising a plurality of dowel pins extended from the surface of one block material to be received in a plurality of matching blind holes on the other block material. The holding mechanism comprising matching openings on both block materials adapted to receive bolts and nuts in order to secure two block materials together. See Figs 3-4, col. 4 lines 15-24 of Mok.

Therefore, it would have been obvious to have incorporated the dowel pins as taught by Mok into both sides of the top surface(i.e. deck) of the mounting module and the receiving blind holes as taught by Mok into the wet chemical processing chamber of Oberlitner, or vise versa, in order to ensure precise alignment of the wet chemical process chamber on the mounting module as since Mok teaches utilizing dowel pins and receiving holds for precision alignment. It would also have been obvious to have incorporated the nuts and bolts and the holes for receiving them as taught by Mok into both sides of the top surface(i.e. deck) of the mounting module and the wet chemical

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processing chamber in order to securely position the wet chemical processing chamber on the mounting module.

In addition, it would have been obvious to have incorporated the dowel pins as taught by Mok into the center bottom surface of the mounting module and the receiving blind holes as taught by Mok into the transport tracks supporting the transport system of Oberlitner, or vice versa, in order to ensure precise alignment of the transport system and the center bottom surface of the mounting module. It would also have been obvious to have incorporated the nuts and bolts and the holes for receiving them as taught by Mok into the center bottom surface of the mounting module and the tracks supporting the transport system of Oberlitner in order to securely position the transport system onto center bottom surface of the mounting module.

Regarding claim 1, the dowel pins or their receiving blind holes on both sides of the top surface(i.e. deck) and the center bottom surface of the mounting module of Oberlitner in view of Mok meet the limitation of the claimed positioning elements. The nuts or bolts and their receiving holes on both sides of the top surface(i.e. deck) and the center bottom surface of the mounting module as taught by Oberlitner in view of Mok meet the limitation of the claimed attachment elements.

In addition, the dowel pins or its receiving blind holes of the wet chemical processing chamber as taught by Oberlitner in view of Mok meet the limitation of the claimed first interface member. The nuts or bolts and their receiving holes of the wet chemical processing chamber as taught by Oberlitner in view of Mok meet the limitation of the claimed first fastener.

Furthermore, the dowel pins or its receiving blind holes on the tracks of the transport system as taught by Oberlitner in view of Mok meet the limitation of the claimed second interface member. The nuts or bolts and their receiving holes on the tracks of the transport system as taught by Oberlitner in view of Mok meet the limitation of the claimed second fastener.

Since the microelectronic workpiece processing tool as taught by Oberlitner in view of Mok meets all the structure limitation of the instant claim 1, the examiner asserts that the apparatus of Oberlitner in view of Mok is capable of maintaining relative positions between positioning elements such that transport system does not need to be recalibrated when a processing chamber is replaced with another processing chamber as claimed.

Regarding claims 2-3, Oberlitner teaches the claimed deck(Fig. 2 #22) which is the both sides of the top surface of the mounting module where a plurality of processing stations are positioned. Figs 1-2 of Oberlitner further show a short vertical back panel attach to the deck surface on the outside of the mounting module. Therefore, this vertical back panel reads on the claimed rigid outer member/first panel. The vertical walls between the deck surface and the center bottom transport system supporting surface of the mounting modules as taught by Oberlitner in view of Mok read on the claimed rigid interior member/second panel. The deck surface as taught by Oberlitner in view of Mok reads on the claimed bracing member. Even though Oberlitner does not explicitly teach the claimed positioning and attachment elements on the rigid outer member, one of ordinary skill in the art would have found it obvious to have

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incorporated the dowel pins, the corresponding receiving blind holes, the nuts and bolts, and their corresponding receiving holes as taught by Mok onto the outer rigid member deck as taught by Oberlitner for the same reasons as discussed above.

Regarding claim 7, Oberlitner teaches a plurality of wet chemical processing chambers(Fig. 3# 28 and 30, pages 14, bottom paragraph), each of them comprising a vessel to hold a workpiece in a processing solution and an anode electrode, wherein the workpiece functions as a cathode(Figs. 4-5, pages 17-20). Therefore, the wet chemical processing chambers as taught by Oberlitner in view of Mok meets the limitations of instant claim 7.

Regarding claim 8, Oberlitner further teaches another wet chemical processing chamber comprising a spin-rinse-dry chamber having a fluid delivery system that directs a cleaning fluid onto the workpiece as claimed(Fig. 2# 24, page 14, bottom paragraph).

Regarding claims 9-10, even though Oberlitner in view of Mok do not explicitly teach the claimed distances between the positioning elements as recited in claims 9-10, one of ordinary skill in the art would have found it obvious to have varied the positioning element spacing via routine optimization depending upon the precision of the positioning and alignment desired.

Regarding claim 11, Oberlitner further teaches that the paddle velocity can be controlled by controlling the motor that drives the paddle(page 30, Fig. 16). Therefore, the motor that controls the paddle reads on the claimed controller. The controller of Oberlitner in view of Mok is capable of moving the paddle relative to the workpiece

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support in a reciprocal manner along a linear axis with a stroke of the relative motive changing between two successive reciprocations as claimed.

Regarding claim 12, the paddle assembly as taught by Oberlitner as shown in Figs. 12-13 and 17 reads on the claimed paddle chamber. The paddle assembly of Oberlitner comprises the claimed opening of receiving a workpiece, the claimed base portion. Comparing Figs. 12-13 and 17 as taught by Oberlitner, it is clear that the paddle is positioned slightly higher than the bottom of the paddle assembly (i.e. base), therefore, is slightly closer to the processing site than the bottom of the paddle assembly. Therefore, the examiner asserts that the distance from the paddle to the processing site inherently taught by Oberlitner is at least 70% of the distance from the base of the paddle assembly to the processing site as claimed.

Regarding claim 14, Oberlitner further teaches the claimed magnet positioned proximate to the processing location as claimed (Figs. 4-5, # 34 & 38).

Regarding claim 15, Fig. 5 of Oberlitner shows the claimed electrode support. Since the electrode support is located below the processing location, the examiner asserts that the electrode support of Oberlitner in view of Mok is capable of moving relative to the vessel between a process position and a removed position along a motion path that does not pass through the process location as claimed.

Regarding claim 16, the recited limitation is directed to the shape of the paddle. Therefore, one of ordinary skill in the art would have found the claimed paddle having a first surface and a second surface in the claimed fashion an obvious design choice

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absent persuasive evidence that particularly claimed paddle configuration is significant.

See MPEP 2144.04(IV). In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) .

Regarding claim 17, Oberlitner further teaches a plurality of fluid delivery ports located on the paddle for delivering electrolyte solution(Figs. 18-20, pages 27-29).

Therefore, the paddle of Oberlitner in view of Mok is partially transmissive to processing fluid as claimed and is capable of resulting in relative motion between the paddle and the workpiece as claimed.

Regarding claim 19, Oberlitner further teaches the claimed thieves electrode (Figs. 25-27, pages 35-38).

Regarding claim 21, Oberlitner further teaches a lift and rotate assembly in the workpiece support to rotate the workpiece as claimed(Fig. 4, # 44, pages 18-19).

Regarding claim 22, Oberlitner further teaches that the size and the opening of the current thief can be adjusted for use with workpieces having a variety of sizes and shapes. Therefore, one of ordinary skill in the art would have found it obvious to have varied shape and size of the current thief openings via routine optimization to produce the claimed first and second current values at the first and second circumferential sites of the process locations depending upon the variety of workpiece sizes and shapes.

Regarding claim 23; the instant claim is rejected for the same reasons as stated in the rejection of claims 1 and 2 above.

Regarding claim 24, the outer and the interior members of Oberlitner in view of Mok are superimposed and the deck of Oberlitner in view of Mok comprises the claimed

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bolts clamping the outer member, the interior member and the bracing together as claimed.

Regarding claim 27, the instant claim is rejected for the same reasons as stated in the rejection of claim 12 above.

Regarding claim 28, the instant claim is rejected for the same reasons as stated in the rejection of claim 15 above.

5. Claims 4-6 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberlitner in view of Mok, and further in view of Goldberg US 4,937,998(Goldberg).

The teachings of Oberlitner in view of Mok are discussed in paragraph 4 above. However, Oberlitner in view of Mok do not explicitly teach the claimed plurality of joists between the rigid first panel and the rigid second panel.

Goldberg teaches a joist used as structure member providing inexpensive strength and rigidity support for flat surfaces such as flooring(col. 1 lines 32-35 and 48-55).

Regarding claim 4, it would have been obvious to one of ordinary skill in the art would have incorporated a plurality of joists as taught by Goldberg underneath the deck surface of Oberlitner in view of Mok in order to provide extra strength and rigidity as suggested by Goldberg to the deck surface for sufficient capability of bearing loads from plurality of processing stations carried by the deck surface of the mounting module.

Regarding claims 5-6, the deck surface of Oberlitner in view of Mok and Goldberg reads on the claimed upper panel and the plurality of joist as taught by Oberlitner in view of Mok and Goldberg read on the claimed braces. Even though

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Oberlitner in view of Mok and Goldberg do not explicitly teach the claimed lower panel under the braces, one of ordinary skill in the art would have found it obvious to have incorporated the claimed additional lower panel and attaching the deck surface(i.e. top panel); the plurality of joists and the lower panel together in the deck of Oberlitner in view of Mok and Goldberg in order to provide sufficient top flooring and ceiling support surfaces for the joists as taught by Goldberg(col. 2 line 66 – col. 3 line 24).

In addition, the center bottom surface of the mounting module as taught by Oberlitner in view of Mok and Goldberg reads on the claimed platform.

Regarding claim 25, the instant claim is rejected for the same reasons as stated in the rejection of claims 4-6 above.

Regarding claim 26, even though Oberlitner in view of Mok and Goldberg do not explicitly teach the claimed positioning element spacing, one of ordinary skill in the art would have found the claimed spacing obvious for the same reasons as stated in the rejection of claims 9-10 above.

6. Claims 13, 18 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberlitner in view of Mok, and further in view of Browne et al. US 6,955,747 (Browne).

The teachings of Oberlitner in view of Mok are discussed in paragraph 4 above. However, Oberlitner does not explicitly teach the claimed plurality of paddles as claimed.

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Browne teaches that instead of using a single paddle, multiple paddles attached to a single cam can also be used for providing agitation with an electroplating cell (abstract, Fig. 3, col. 3 lines 32-35).

Regarding claim 13, it would have been obvious to one of ordinary skill in the art to have utilized multiple paddles as suggested by Browne in the wet chemical processing cell of Oberlitner in view of Mok for providing adequate an desired amount of agitation to the plating solution.

Regarding claims 18 and 29, Oberlitner in view of Mok and Browne teach the claimed first and second paddles. In addition, one of ordinary skill in the art would have found the claimed different shape and size limitations for the first and the second paddles an obvious design choice absent persuasive evidence that particularly claimed paddle shape and size configurations are significant. See MPEP 2144.04(IV). In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) . In Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984).

7. Claims 20 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberlitner in view of Mok, and further in view of Woodruff et al. US 2001/0032788 A1(Woodruff).

The teachings of Oberlitner in view of Mok are discussed in paragraph 4 above. However, Oberlitner in view of Mok do not teach the claimed plurality of electrode chambers as recited in claims 20 and 30.

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Woodruff teaches an electroplating cell comprising a plurality of electrode chambers separated by dielectric walls, wherein each of the electrode chambers comprises one electrode(Fig. 4 # 530, 510(a-c), 520(a-d) and 600(a-d)).

Regarding claims 20 and 30, it would have been obvious to one of ordinary skill in the art to have incorporated the multiple electrode chambers as taught by Woodruff into the processing vessel of Oberlitner in view of Mok in order to allow adjustment of electrical field in the vicinity of workpiece depending on the particular needs of different workpiece as taught my Woodruff(paragraphs [0060] and [0062]).

Double Patenting

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1-30 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24-27, 32, 35,

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37-40 of copending Application No. 10/859,749, corresponding US Patent Application Publication 2005/0034977 A1(USAPP'749) in view of Browne.

USAPP'749 teaches a wet chemical processing tool comprising claims frame, mounting module, workpiece support, processing chambers, and transport system arranged in the claimed fashion. USAPP'749 further teaches the claimed positioning and attachment elements and the claimed plurality of isolated electrode chambers.

However, claims of USAPP'749 do not teach the claimed processing chamber having a paddle device as claimed.

The teachings of Browne are discussed in paragraph 6 above.

Therefore, one of ordinary skill in the art would have found it obvious to have incorporated the single or multi-paddle system of Browne into the plating chambers of USAPP'749 in order to provide adequate agitation to the electrolyte solution and to promote uniform plating as taught by Browne.

This is a provisional obviousness-type double patenting rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andricacos et al. US 5,312,532 teach using a paddle device having two parallel paddles of different shape that result in substantially the same agitation in an electroplating cell. Andricacos et al further teach that the motion of the paddles can be programmed(col. 8 lines 8-41).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lois Zheng whose telephone number is (571) 272-1248. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LLZ

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